

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

JENNIFER A. GALLAGHER	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No.
	)	
JOHN M. MAKOWSKI, PLUMBERS LOCAL	)	
UNION 690 SUPPLEMENTAL RETIREMENT	)	
PLAN, THOMAS J. MCNULTY, JOHN I. KANE,	)	Removed from NJ Superior Court,
THOMAS J. CROWTHER, TIMOTHY J. BRINK,	)	Burlington County, L-2873-12
HOWARD WEINSTEIN, JOHN J. BEE,	)	
Defendants	)	

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendants PLUMBERS LOCAL UNION 690 SUPPLEMENTAL RETIREMENT PLAN, THOMAS J. MCNULTY, JOHN I. KANE, THOMAS J. CROWTHER, TIMOTHY J. BRINK, HOWARD WEINSTEIN, JOHN J. BEE (the “Fund Defendants”) through undersigned counsel, hereby removes this action from the Superior Court of New Jersey, County of Burlington, Law Division, to the United States District Court for the District of New Jersey, Camden Vicinage, pursuant to 28 U.S.C. §1441 et seq. as follows:

1. Plaintiff filed a Third Amended Complaint in the Superior Court of New Jersey for Burlington County, Law Division under the above caption, Docketed No. L-2873-12. The Third Amended Complaint is attached.
2. The Third Amended Complaint was served upon the Fund Defendants on or after January 28, 2013.
3. This Notice of Removal is filed within thirty days after January 28, 2013.

4. On or about February 19, 2013, Plaintiff filed and delivered to counsel for the Fund Defendants, without service, a Fourth Amended Complaint. The Fourth Amended Complaint is attached.

5. Defendant Plumbers Local Union 690 Supplemental Retirement Plan is a multi-employer benefit plan administered under and subject to the Employee Retirement Income Security Act of 1974 (ERISA) 29 U.S.C.S. §1001, et seq.

6. The remaining Fund Defendants are the administrator, field representative and trustees of the Plumbers Local Union 690 Supplemental Retirement Plan.

7. Plaintiff, as it has alleged in its Third and Fourth Amended Complaints, raises counts against the Fund Defendants sounding in negligence in administration of member benefits, breach of fiduciary duty, and statutory action to recover benefits, under 29 U.S.C.S. §§1101, 1103, and 1132, in addition to “personal liability” under 29 U.S.C.S. §1109, among other claims under ERISA. See Fourth Amended Complaint, Second, Third and Fourth Counts, ¶¶19-67.

8. As an action arising under the laws of the United States, this action is subject to Federal Question original jurisdiction in the United States District Court, in accord with 28 U.S.C.A. §§1331.

9. Accordingly, this action is removable to the jurisdiction of the United States District Court, District of New Jersey, Camden Vicinage under 28 U.S.C. §§1331, 1441(a).

10. Removal is made to the District of New Jersey, Camden Vicinage based upon the requirements of 28 U.S.C. 1441, because it embraces the place where the action is pending. However, the proper venue for this action may be the Eastern District of Pennsylvania, as any and all acts purportedly taken by the Fund Defendants occurred in Philadelphia, Pennsylvania, where the Fund offices are located.

11. Copies of all pleadings, orders and other documents filed in the Superior Court of New Jersey action and served upon the Fund Defendants are attached hereto.

12. Written notice of the filing of this Notice of Removal is being promptly forwarded to all counsel and to the Clerk of the Court for the Superior Court of New Jersey for Burlington County, Law Division, in accord with 28 U.S.C. §1446(d).

11. The Fund Defendants do not waive or prejudice any defenses or claims by filing this removal.

WHEREFORE, Plumbers Local Union 690 Supplemental Retirement Plan, Thomas J. McNulty, John I. Kane, Thomas J. Crowther, Timothy J. Brink, Howard Weinstein, and John J. Bee, respectfully notify This Court that the instant action, presently docketed in the Superior Court of New Jersey for Burlington County, is hereby removed to the United States District Court for the District of New Jersey.

Date: Feb. 25, 2013

By: /s/ Liam Y. Braber

Liam Y. Braber, Esq.  
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Attorneys for Defendants, Plumbers Local Union  
690 Supplemental Retirement Plan, Thomas J.  
McNulty, John I. Kane, Thomas J. Crowther,  
Timothy J. Brink, Howard Weinstein, John J. Bee

**CERTIFICATE OF SERVICE**

I hereby certify that, on the date listed below, I caused a true and correct copy of the foregoing Notice of Removal to be served upon counsel for all parties by first class mail, postage prepaid, as follows:

Joseph M. Pinto, Esq.  
POLINO and PINTO  
Moorestown Times Square  
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Moorestown, NJ 08057

John M. Markowski, Esq.  
Greentree Executive Campus  
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Marlton, NJ 08053

Date: Feb. 25, 2013

/s/ Liam Y Braber  
Liam Y. Braber, Esquire